

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

RANDY S. LUSKEY (CABN 240915)
Assistant United States Attorney

450 Golden Gate Ave., Box 36055
San Francisco, California 94102
Telephone: (415) 436-7200
Fax: (415) 436-7234
E-Mail: randall.luskey@usdoj.gov

Attorneys for the United States

UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 3:12-mj-71335-MAG
)	
Plaintiff,)	PROPOSED ORDER AND
)	STIPULATION FOR CONTINUANCE
v.)	FROM JANUARY 7, 2013 TO JANUARY
)	9, 2013 AND WAIVING TIME LIMITS
TERRY JACKSEN,)	UNDER RULE 5.1
ERIC MENDONCA, and)	
JACK DAVID POLLACK)	
)	
Defendant.)	

With the agreement of the parties, and with the consent of the defendants, the Court enters this order scheduling a preliminary hearing date of January 9, 2013 at 9:30 a.m. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 until January 9, 2013. The Court originally set a preliminary hearing date of January 7, 2013 for all three defendants in this matter. The government is requesting a two day continuance of the preliminary hearing/arraignment date due to logistical issues associated with the holiday schedule of the grand jury. Defense counsel has all agreed to the two-day continuance. The parties agree, and the Court finds and holds, as follows:

1 1. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for
2 preliminary hearing until January 9, 2013.

3 2. All parties agree that good cause exists to postpone the preliminary hearing.

4 3. The Court finds that, taking into the account the public interest in the prompt
5 disposition of criminal cases, these grounds are good cause for extending the time limits for a
6 preliminary hearing under Federal Rule of Criminal Procedure 5.1.

7 4. Time has already been excluded under the Speedy Trial Act through January 7, 2013.

8 5. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary
9 hearing date before the duty magistrate judge on January 9, 2013, at 9:30 a.m., and (2) orders that
10 the period until January 9, 2013, be excluded from the time period for preliminary hearings under
11 Federal Rule of Criminal Procedure 5.1.

12
13 IT IS SO STIPULATED:

14
15 DATED: December 31, 2012 _____/s_____
16 ELIZABETH FALK
Attorney for Defendant MENDONCA

17 DATED: December 31, 2012 _____/s_____
18 DEBORAH LEVINE
Attorney for Defendant JACKSEN

19 DATED: December 31, 2012 _____/s_____
20 RICHARD MAZER
Attorney for Defendant POLLACK

21
22 DATED: December 31, 2012 _____/s_____
23 RANDY S. LUSKEY
Assistant United States Attorney

24
25 IT IS SO ORDERED.

26 DATED: January 3, 2013
27 HON. NATHANAEL COUSINS LAUREL BEELER
28 United States Magistrate Judge